

2011 DRAFTING REQUEST

Bill

Received: **11/23/2011**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Travis Tranel (608) 266-1170**

By/Representing: **Jeff Curry**

May Contact:

Drafter: **agary**

Subject: **Transportation - motor vehicles**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Tranel@legis.wi.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Lighting and other safety requirements, and local registration, for animal drawn vehicles

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	agary 12/09/2011	jdyer 12/12/2011	rschluet 12/12/2011	_____	sbasford 12/12/2011		S&L
/P2	agary 12/20/2011	mduchek 12/21/2011	rschluet 12/21/2011	_____	sbasford 12/21/2011		S&L
/1	agary 02/17/2012	mduchek 02/17/2012	jmurphy 02/17/2012	_____	lparisi 02/17/2012	lparisi 02/17/2012	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

at intro
3-5-12

<END>

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/P2	agary 12/20/2011	mduchek 12/21/2011	rschluet 12/21/2011		sbasford 12/21/2011		

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Please
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Thx. MKG

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FE Sent For:


/P2
12/21/11

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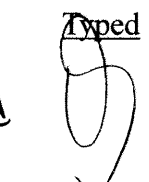
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/?	agary	PI 12/12 JLD		_____ _____			S&L

FE Sent For:

<END>

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, August 24, 2011 11:16 AM
To: Curry, Jeff
Subject: RE: Rep. Tranel

Jeff,

I will forward you an e-mail from DOT relating to highway signage. I still don't have an answer on whether the SMV emblem is reflective or not. However, this is probably a non-issue; I've discovered that there is a Wisconsin case holding that state statutes requiring the SMV emblem is unconstitutional as applied to Amish buggies because it infringes their freedom of religion. Here is an excerpt from the case:

We conclude that the State has failed to demonstrate that public safety on the highways cannot be served by the Respondents' proposed less restrictive alternative of the white reflective tape and the red lantern. The statutory burden placed by the State upon the sincerely held religious beliefs of the Respondents therefore cannot be justified. Thus, we hold that Wis.Stat. § 347.245, as applied to the eight Old Order Amish Respondents, violates the guarantee of freedom of conscience found in Article I, section 18 of the Wisconsin Constitution. *State v. Miller*, 202 Wis. 2d 56, 549 N.W.2d 235 (1996).

Accordingly, there is a possibility that whatever statutory change we draft might be found unenforceable under the state constitution and/or First Amendment. However, perhaps the statute could require Amish buggies to be equipped with white reflective tape and carry red lanterns at night, or even prohibit the operation on the highway of any animal-drawn vehicle during hours of darkness.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Curry, Jeff
Sent: Tuesday, August 23, 2011 3:48 PM
To: Gary, Aaron
Subject: RE: Rep. Tranel

Thanks, Jeff

From: Gary, Aaron
Sent: Tuesday, August 23, 2011 2:52 PM
To: Curry, Jeff
Cc: Barish, Larry
Subject: RE: Rep. Tranel

Hi Jeff,

I'll follow up with DOT, and I'll try to get some assistance from our research section on other state laws. There are no DOT rules on posting Amish signs at the present. DOT must comply with something called the Manual on Uniform Traffic Control Devices (MUTCD) - I'll ask DOT if any such signs are available under the MUTCD.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Curry, Jeff
Sent: Tuesday, August 23, 2011 2:22 PM
To: Gary, Aaron
Subject: RE: Rep. Tranel
Importance: High

Dear Aaron,

Thanks for looking into this issue for Rep. Tranel! Could you please follow up with the DOT? Also, I was wondering if you could look into what other state's have on the books relating to animal-drawn vehicles. (Pennsylvania for example) Also, are there any state DOT rules for the posting of Amish signs on major state roads? This accident happened on State HWY 11 near Fennimore WI.

Finally, the Grant County Sheriff is having a meeting with the Amish elders and Rep. Tranel wasn't to wait and see how this goes before proceeding with a bill to improve the laws.

Thanks,

Jeff Curry
Rep. Tranel's Office

From: Gary, Aaron
Sent: Monday, August 22, 2011 12:35 PM
To: Curry, Jeff
Subject: RE: Rep. Tranel

Jeff,

Animal-drawn vehicles, including Amish buggies pulled by horses, that are operated on a highway (road) at night are subject to front and rear lighting requirements. They cannot be operated on a highway during hours of darkness unless they are equipped with at least one white light in front visible from a distance of 500 feet ahead and 2 red lights visible from a distance of 500 feet to the rear and mounted to indicate the extreme width of the vehicle. See s. 347.24 (2). In our conversation, you indicated that Amish buggies often have lights in front but not on the rear. These buggies would not be in compliance with current state law.

An Amish buggy must also have a slow-moving vehicle (SMV) emblem mounted on the back, both day and night. The SMV emblem is in addition to the nighttime lighting requirements above. The SMV emblem must be mounted and comply with standards established by DOT. See s. 347.245; Adm. Code, Trans 303.06 (1) (g), 304.04. (The code does not actually specify whether the SMV emblem must be reflective, but I suspect they probably must be. I could confirm this with DOT if you want.)

With regard to your final question below, I could not find any introduced legislation relating to any of these topics.

Let me know if you want anything drafted.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)

aaron.gary@legis.state.wi.us

From: Curry, Jeff
Sent: Thursday, August 18, 2011 4:16 PM
To: Gary, Aaron
Subject: Rep. Tranel
Importance: High

Dear Aaron,

There was a serious accident, in Rep. Tranel's district, involving an Amish buggy that was being driving at night. Rep. Tranel wanted to know what the current laws are governing safety for these types of vehicles on WI roads day and night.

He is also considering drafting legislation to do the following.

First, he would like to look into possibly changing the law to require these types of vehicles to have a flashing strobe light on top of them. Second, he would like to look into requiring these types of vehicles to have reflective tape on the back of the vehicle. (Similar to what you see on the back of semis.) Third, he would like to look into requiring these types of vehicles to have rear red break lights.

Have any of the above changes to the law been proposed in the past?

Thanks!

Jeff Curry

Rep. Tranel's Office
608-266-1170
State Capitol 308 North

C & K corners

- top - yellow / amber light that flashes
- top C & K corners of bus

smv → Δ : reg. as to how reflection it has to be

- safety programs - road repair, road widening, putting up signs, education of public, widening shoulders, enforcement →
 • ^{counties} ~~state~~ "Come up w/ ant of registrars" →
- can be done by county ordinance
 - totally local program by local ordinance
 - no license plate
 - leave local govts. flexibility to the extent possible



State of Wisconsin
2011 - 2012 LEGISLATURE

Soon



LRB-3534/P1

ARG:.....

in
12/9

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

X

Gen

- 1 AN ACT ...; relating to: operation of animal-drawn vehicles on highways and
2 granting rule-making authority.✓

Analysis by the Legislative Reference Bureau

Under current law, any person operating an animal-drawn✓ vehicle on a roadway is generally granted all the rights and is subject to all the duties applicable to operators of other vehicles. Animal-drawn vehicles operated on a highway are also subject to certain vehicle equipment requirements. No animal-drawn vehicle may be operated on a highway during hours of darkness unless the vehicle is equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet ahead and two lighted lamps or lanterns exhibiting red light visible from a distance of 500 feet to the rear and mounted in such a manner as to indicate the extreme width of the vehicle. Unless an animal-drawn vehicle has attached to the left rear a yellow or amber flashing light at least 4 inches in diameter, in order to operate on a highway in the day or at night, the vehicle must have displayed on the most practicable visible rear area of the vehicle a slow moving vehicle (SMV)✓ emblem.

four

This bill requires animal-drawn✓ vehicles operated on a highway during hours of darkness to be equipped with a white front lamp or lantern and two rear red lamps or lanterns that are visible for a distance of 1,000 feet, rather than 500 feet. In addition, animal-drawn vehicles operated on a highway must be equipped with a strip of reflective tape, at least one inch wide, around the perimeter of the vehicle and two 360-degree flashing yellow or amber strobe lights having a flashrate of 60 to 120✓ per minute, which must be mounted on each rear corner of the vehicle at the highest

practicable point. When an SMV emblem is required on an animal-drawn vehicle, the SMV emblem must be made of or incorporate reflective material.

The bill also authorizes counties to, by ordinance, require registration of animal-drawn vehicles that are customarily kept within the county and operated, at any time, on any highway within the county. The amount of the registration fee for animal-drawn vehicles registered by the county is determined by the county, but may not exceed the fee for registering an automobile with the Department of Transportation, which is currently \$75. All revenues received by a county from these registration fees may be used only for any of the following: 1) Safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs; 2) Erecting highway signs relating to animal-drawn vehicles operating on highways; and 3) Highway improvements and repairs, including improvements and repairs to highway shoulders and other areas within the highway right-of-way, that promote safety where animal-drawn vehicles are operated on highways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 347.24 (2) of the statutes is amended to read:

347.24 (2) No person may operate on a highway during hours of darkness a vehicle drawn by an animal unless the vehicle is equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 1,000 feet ahead and 2 lighted lamps or lanterns exhibiting red light visible from a distance of 500 1,000 feet to the rear and mounted in such a manner as to indicate the extreme width of the vehicle. A vehicle drawn by an animal shall also be equipped with a strip of reflective tape, at least one inch wide, around the perimeter of the vehicle.

SECTION 2. 347.245 (2) of the statutes is amended to read:

347.245 (2) Standards and specifications for the design and position of mounting of the SMV emblem shall be established by rule by the secretary, but all SMV emblems displayed on animal-drawn vehicles shall be made of or incorporate reflective material. Except as provided in s. 347.21 (1), the standards and

1 specifications for SMV emblems shall correlate with and, so far as possible, conform
2 with those approved by the American society of agricultural engineers. The
3 secretary shall submit such standards and specifications, and any subsequent
4 changes therein, to the assembly and senate committees having jurisdiction over
5 transportation matters as determined by the speaker of the assembly and the
6 president of the senate acting jointly for their approval.

History: 1977 c. 29, 288; 1979 c. 34; 1981 c. 138; 1987 a. 16; ~~2001 a. 90~~; 2009 a. 157.

7 **SECTION 3.** 347.25 (2g) of the statutes is created to read:

8 347.25 (2g) No person may operate on a highway a vehicle drawn by an animal
9 unless the vehicle is equipped with 2 [✓]360-degree flashing yellow or amber strobe
10 lights having a flashrate of 60 to 120 [✓]per minute. These strobe lights shall be
11 mounted on each rear corner of the vehicle, at the highest practicable point. The
12 secretary [✓]may prescribe rules for the type, installation, operation, and light output
13 brilliance of the strobe lights required under this [✓]subsection.

14 **SECTION 4.** 349.03 (1) (b) [✓]of the statutes is amended to read:

15 349.03 (1) (b) Is expressly authorized by ss. 349.06 to ~~349.25~~ [✓]349.27 or some
16 other provision of the statutes.

History: 1971 c. 234, 277; 1973 c. 86, 87, 336; 1979 c. 59; ~~1981 c. 20, 165~~; 1983 a. 535; 1985 a. 194; 1987 a. 3, 27; 1989 a. 105; 1993 a. 113; 1999 a. 150 s. 672; 2007 a. 11; 2009 a. 129.

17 **SECTION 5.** 349.03 (2) [✓]of the statutes is amended to read:

18 349.03 (2) No local authority may enact or enforce any traffic regulation
19 providing for suspension or revocation of motor vehicle operator's licenses or
20 requiring local registration of vehicles, except as authorized by s. 341.35 [✓]or 349.27,
21 or in any manner excluding or prohibiting any motor vehicle, mobile home, vehicle
22 transporting a manufactured home or modular home, recreational vehicle, trailer,
23 or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all

highways, except as authorized by sub. (3) and ss. 66.0429 (1) and (3), 349.13, 349.17, 349.22 and 349.23.

History: 1971 c. 234, 277; 1973 c. 86, 87, 336; 1979 c. 59; 1981 c. 20, 165; 1983 c. 635; 1985 a. 194; 1987 a. 3, 27; 1989 a. 105; 1993 a. 113; 1999 a. 150 s. 672; 2007 a. 1; 2009 a. 129.

SECTION 6. Subchapter III (title) of chapter 349 [precedes] of the statutes is

amended to read:

CHAPTER 349

SUBCHAPTER III

LICENSING AND REGISTRATION POWERS

SECTION 7. 349.27 of the statutes is created to read:

349.27 Authority of counties to require registration of animal-drawn

vehicles. (1) The governing body of any county may by ordinance require the registration with the county of any animal-drawn vehicle that is customarily kept within the county and operated, at any time, on any highway within the county.

(2) For each animal-drawn vehicle registered as provided in sub. (1), the county may impose a registration fee in an amount determined by the county, but not greater than the registration fee specified in s. 341.25 (1) (a) for an automobile registered after September 1, 1947.

(3) All revenues received by a county from a registration fee under sub. (2) may be used only for any of the following:

(a) Safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs.

(b) Erecting highway signs relating to animal-drawn vehicles operating on highways.

- 1 (c) Highway improvements and repairs, including improvements and repairs
2 to highway shoulders and other areas within the highway right-of-way, that
3 promote safety where animal-drawn vehicles are operated on highways.✓

4 **SECTION 8. Effective date.**

- 5 (1) This act takes effect on the first day of the 7th month✓ beginning after
6 publication.

7 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

date

LRB-3534/P1dn

ARG:.....

jld

ATTN: Jeff Curry

Please review the attached draft carefully to ensure that it is consistent with your intent.✓

I note that the term "highway" is defined to include more than the paved surface of the road. Under s. 340.01 (22), it "includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel." See also *Morris v. Juneau County*, 219 Wis.2d 543, 559-60 (1998). With respect to the operation of animal-drawn vehicles, this bill applies to animal-drawn vehicles operated off the paved roadway but within the highway right-of-way, such as on the shoulder of the road.✓

I have included a delayed effective date of approximately six months✓ to allow the owners of vehicles drawn by animals time to properly equip these vehicles.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3534/P1dn
ARG:jld:rs

December 12, 2011

ATTN: Jeff Curry

Please review the attached draft carefully to ensure that it is consistent with your intent.

I note that the term "highway" is defined to include more than the paved surface of the road. Under s. 340.01 (22), it "includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel." *See also Morris v. Juneau County*, 219 Wis.2d 543, 559-60 (1998). With respect to the operation of animal-drawn vehicles, this bill applies to animal-drawn vehicles operated off the paved roadway but within the highway right-of-way, such as on the shoulder of the road.

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

308 N

12/20

mtg. w/ Jeff Curry - Cap. Tranel

- take out "lantern"

- taping of the buggy →
 - identify where the tape has to go.

- want tape in a certain pattern —
needs to be reflective — red, white,
or yellow
around the edge on the back

- couple of feet on each side

- plus strip of tape on each side —
on the four corners of the
sides

- Flashing light ^{or stroke} ~~not a~~ light →
could be on top or on the side ("driver side")

- ~~assuming~~ assuming battery-operated lighting system
is available in the market place

- make 3 bills

Some schools teach safety on the public roadway. Children begin driving on the roadway at around 12 years of age and often take other children to school in the same buggy.

The Amish community would prefer a full paved shoulder in an ideal situation, as the transition from paved lane to gravel shoulder often has a “drop off” that can cause problems for both horse and buggy (see Figure 5-24).

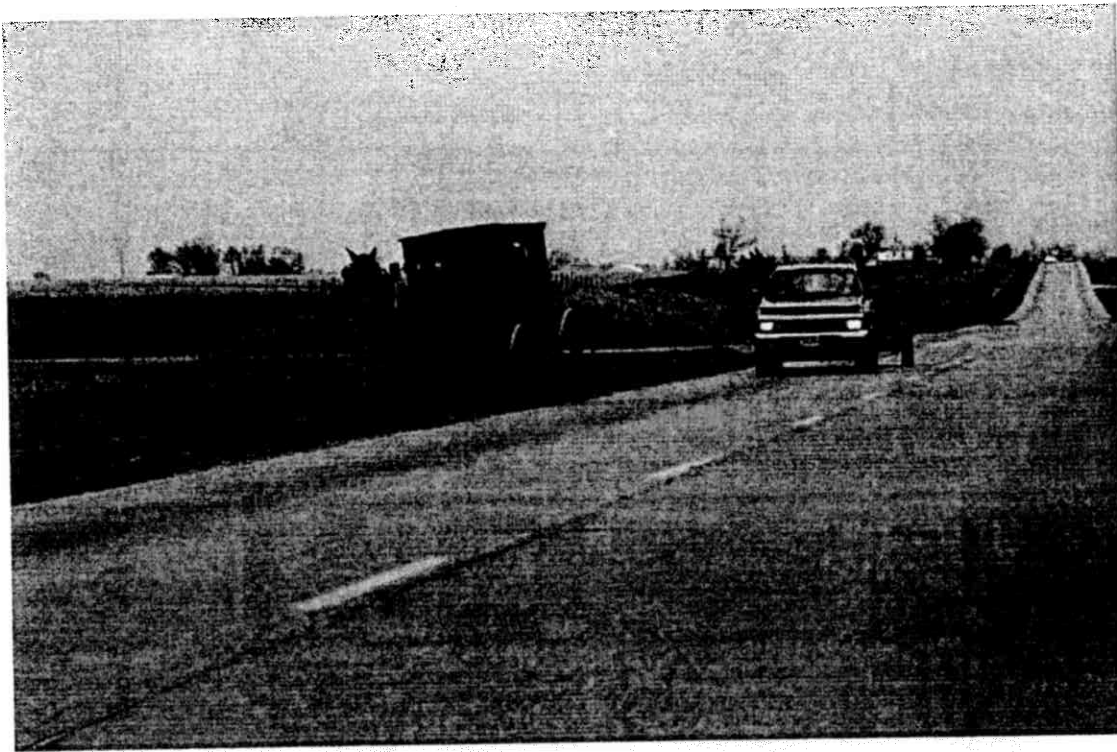


Figure 5-24. Transition from road to shoulder, Davis County, Iowa

This local Amish community is growing modestly within the immediate area. Their buggies are typically equipped with battery operated lights, SMV emblems, and tape (see Figure 5-25).

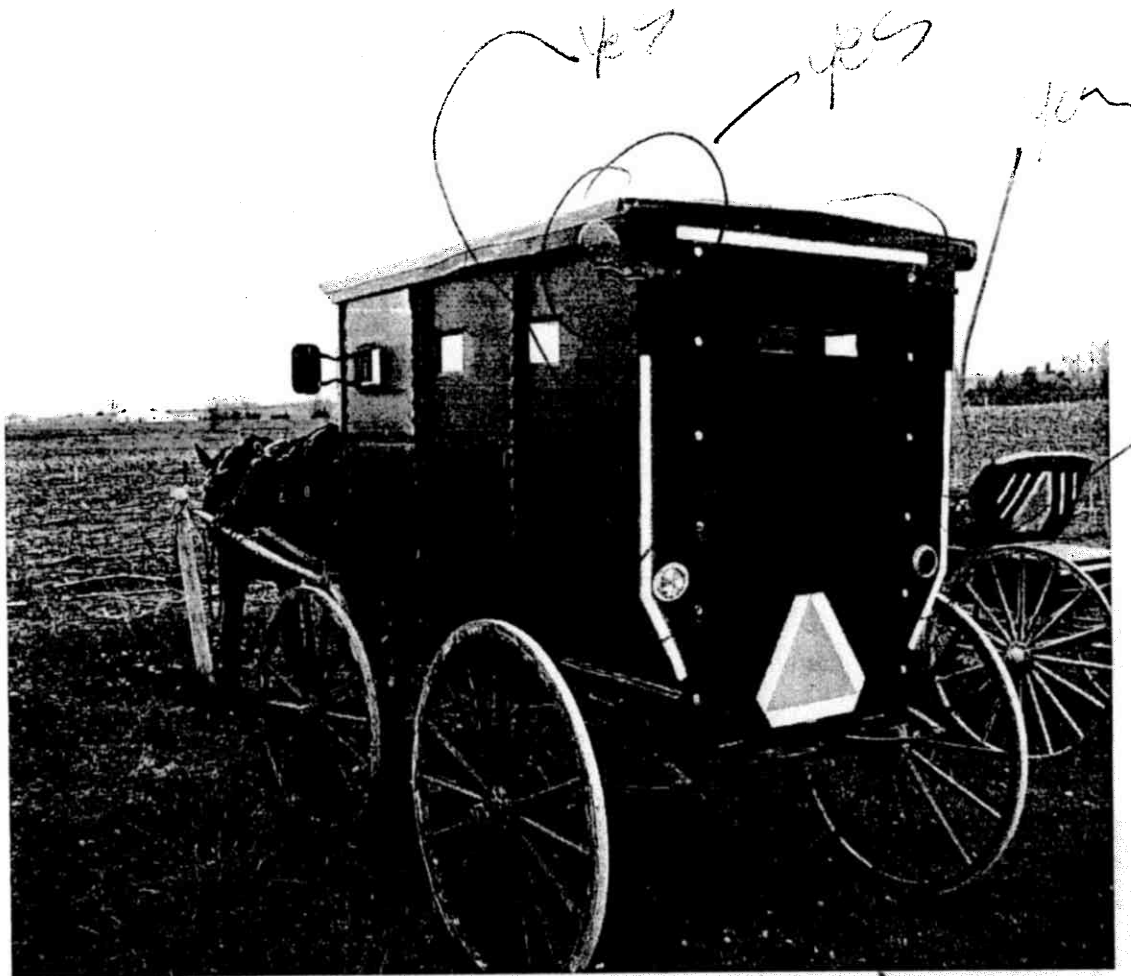
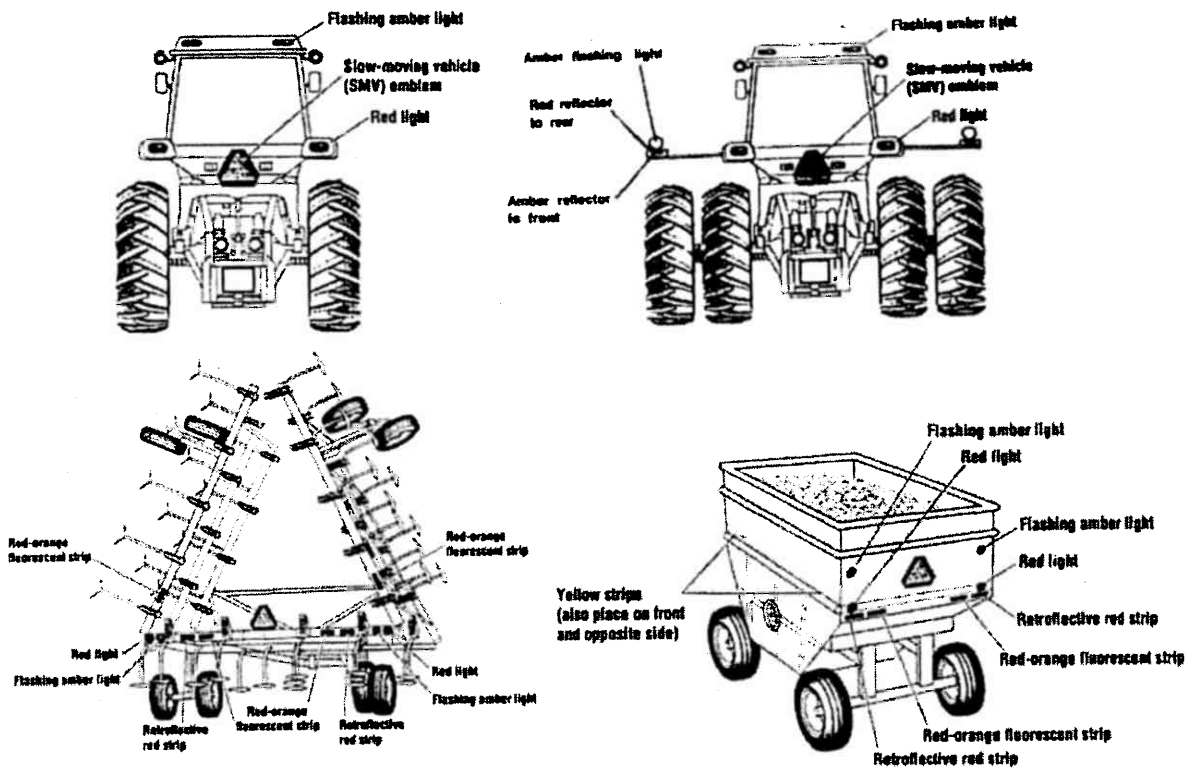


Figure 5-25. Covered buggy, Davis County, Iowa

SMV signage differed according to the road the buggies were (state versus county). The Amish group has its own safety committee to discuss these types of issues with roadway authorities. The group was more than humble in voicing its concerns and was very willing to be part of the solution where possible.



(image source: Agricultural Safety and Health Program, 2008a)

Figure 3-9. SMV lighting and marking standards

3.3 Safety Features - Horse-Drawn Vehicles

Most states classify buggies as SMVs and require adherence to corresponding laws. Some states have additional requirements for horse-drawn vehicles. Ohio requires animal-drawn vehicles to have an SMV emblem and/or reflective materials that are black, gray, or silver in color mounted on the animal-drawn vehicle so as to be visible from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

1200
2x

The Jackson County Chronicle in Wisconsin discusses different SMV crashes and potential causes for the crashes. In Wisconsin, Amish buggies are ~~not required to carry an SMV emblem~~, but they do need to have ~~lights and reflectors visible from 500 feet away~~ (Hesselberg, 2007). One problem identified in the report is that the use of ~~red tail lights~~ on horse-drawn buggies makes the buggies look like regular highway vehicles so that a vehicle approaching a horse-drawn buggy may mistake it for a vehicle traveling at normal speeds. One solution proposed by Green County, Wisconsin, is to widen shoulders in areas with heavy horse-drawn buggy traffic to 8 feet. This would also be a benefit to bicyclists and for highway maintenance operations (Hesselberg, 2007).

From 1999–2003, the State of Ohio holds a Geauga County Sharing the Road with Amish Travelers Forum each year. During this annual meeting, Amish community members meet with state and local officials to discuss possible development to help prevent Amish horse and buggy crashes. It was hoped by officials that targeted public education for local citizens and visitors would significantly reduce Amish horse and buggy crashes. Before the forum was first held in 1999, Amish horse and buggy crashes and fatalities were increasing. ~~Since the forum began, Amish buggy crashes have been decreasing.~~ The specific actions taken to reduce these crashes were not stated in the source material.

Ohio has two of the largest Amish settlements in the United States. The Ohio State University Extension has coordinated safety programs for the Amish communities in Ohio. This has been ongoing for the last 13 years. These programs focus on many safety issues, such as roadway safety and other important issues.

The Agricultural Safety and Health Program with The Ohio State University Extension put together the following ~~Amish buggy lighting and marking recommendations~~, and diagrams for a buggy and wagon are shown in Figure 3-10 (Agricultural Safety and Health Program, 2008b):

~~Lighting:~~

- A →
- 1 Animal-drawn vehicles should be equipped with a ~~battery-operated lighting system or a generator-powered lighting system~~. Batteries may be typical storage, deep cycle, or gel cell and should conform to SAE J537.
 - 2 At least two headlamps, conforming to SAE J975, should be mounted symmetrically about the vehicle centerline, facing forward on the front of the vehicle in a position that provides the least blockage from the drawing animal(s).
 - 3 At least ~~two red tail lamps~~, conforming to SAE J585, should be mounted symmetrically about the vehicle centerline on the rear of the vehicle and as widely spaced laterally as practical and between .6 and 3 meters (2 and 10 feet) high.
 - 4 At least ~~two flashing amber warning lamps~~ conforming to SAE J974 should be mounted symmetrically about the ~~centerline~~ and as widely spaced laterally as practicable. They should be visible from front and rear and mounted between 1 and 3.7 meters (3.3 and 12 feet) high.
 - 5 An optional turn signal system may be incorporated into the rear red tail lamps or the flashing amber lamps. If the system is incorporated into the flashing amber lamps or red tail lamps, the lamp that is positioned on the side of the turn should flash and the lamp on the side away from the turn should go to steady burn.

Marking:

- Marking for the rear of the vehicle should be ~~50 millimeter by 230 millimeter (2 inch by 9 inch) strips alternating between red retroreflective material and red orange fluorescent material~~. The material should be used to outline the sides and top of the rear of the vehicle.
- 6 Where local culture prohibits the use of ~~red and or red-orange~~ materials, white

retroreflective material with a minimum width of 25 millimeters (1 inch) may be used. If white retroreflective material is used, two red reflex reflectors should be mounted symmetrically about the centerline as widely spaced laterally as practicable.

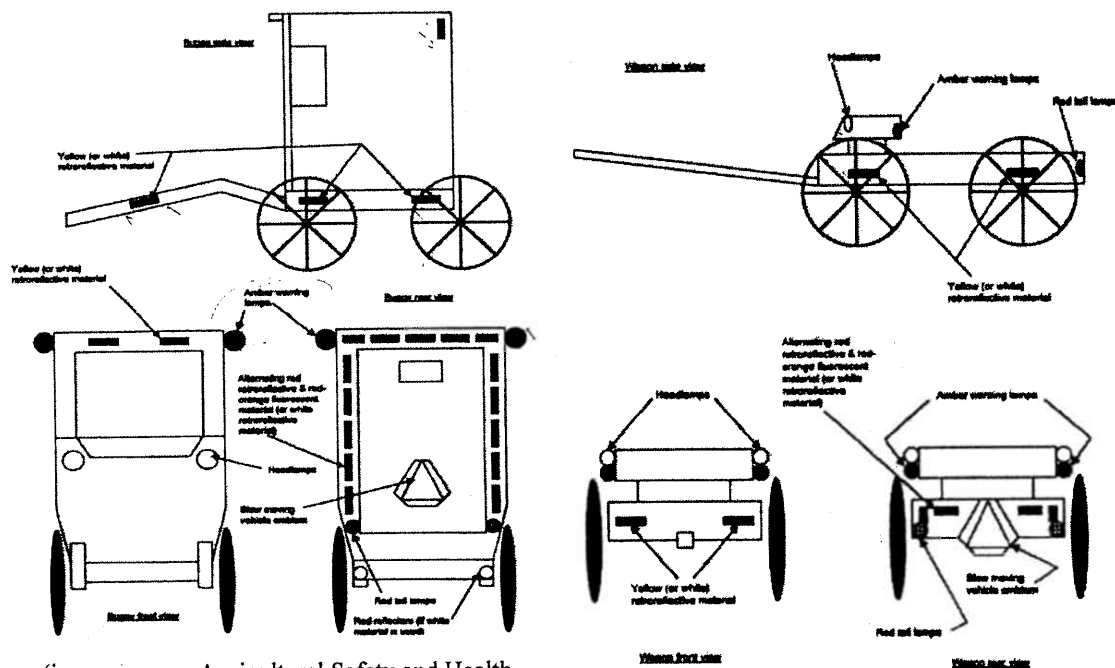
Marking for the front of the vehicle should be 50 millimeter by 230 millimeter (2 inch by 9 inch) strips of yellow retroreflective material. At least two strips should be placed symmetrically about the centerline as widely spaced as practicable on the front of the machine.

Where local culture prohibits the use of yellow material, white retroreflective material with a minimum width of 25 millimeters (1 inch) may be used.

Marking for the side of the vehicle should be 50 millimeter by 230 millimeter (2 inch by 9 inch) strips of yellow retroreflective material. A minimum of two strips should be symmetrically spaced and mounted along each side of the vehicle frame. If the vehicle is equipped with a tongue or shaft that is visible on the outside of the animal, an additional yellow strip should be placed on it.

Where local culture prohibits the use of yellow material, white retroreflective material with a minimum width of 25 millimeters (1 inch) may be used.

Optional yellow or white retroreflective material may be attached to the harness or to the animal's legs to enhance visibility.



(image source: Agricultural Safety and Health Program, 2008b)

Figure 3-10. Buggy and wagon view

3.4 Discussion of Possible Alternative Safety Improvements

A separate study effort by the Ohio Department of Transportation (ODOT) recently used public meeting comments and survey findings to identify possible alternative safety improvements related to SMVs (ODOT, 2000). These alternative solutions are listed below, together with some of the pros, cons, and other issues associated with each.

~~Roadway Improvements~~

~~Separate Trail, Possible Buggy/Bike Trail~~

- Pro - Gets buggies off of roadway and away from stronger faster moving vehicles
- Pro - Safety issues are of a lesser degree due to size, speed, and maneuverability of bikes and buggies when compared to tractor trailer trucks and buggies.
- Con - Public comment and survey respondents did not rate this option very high, given they preferred to travel routes that take them to their desired locations, which is typically where the existing roadways go.
- Con - Cost and maintenance issues: who pays and who maintains?
- Con - Can they be located in places useful to the users?
- Con - Safety issues involving bikes and buggies together on same trail

6 - 8 ft Wide Paved/Treated Shoulder

- Pro - This is the option overwhelmingly preferred by most respondents to the survey.
- Pro - Would get buggies off of the roadway and into their own "buggy lane"
- Pro - Quick construction time if conditions are right
- Con - Construction costs could be high if right of way must be purchased, regarding the improvements needed in areas with no shoulder or steep grades.
- Con - Need to widen bridges and culverts so buggies do not need to merge in and out of traffic

~~6 - 8 ft Wide Graded Shoulder (compacted dirt with compact gravel)~~

- Con - Possible extensive right-of-way needs
- Con - Would need to widen bridges and culverts so buggies do not need to merge in and out of traffic

Expand resurfacing program to include paving graded shoulders when road is scheduled for reconstruction or resurfacing

- Pro - Can be done over time, and costs can be merged into other construction costs
- Pro - Shoulders can also be used to maintain two-way traffic during resurfacing or other construction projects.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3534/PZ
ARG:jld:rs

wanted
by 12/23
in 12/20

RMR

4med

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Repen

- 1 AN ACT to amend 347.24 (2), 347.245 (2), 349.03 (1) (b), 349.03 (2) and
- 2 subchapter III (title) of chapter 349 [precedes 349.24]; and to create 347.25 (2g)
- 3 and 349.27 of the statutes; relating to: operation of animal-drawn vehicles on
- 4 highways and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, any person operating an animal-drawn vehicle on a roadway is generally granted all the rights and is subject to all the duties applicable to operators of other vehicles. Animal-drawn vehicles operated on a highway are also subject to certain vehicle equipment requirements. No animal-drawn vehicle may be operated on a highway during hours of darkness unless the vehicle is equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet ahead and two lighted lamps or lanterns exhibiting red light visible from a distance of 500 feet to the rear and mounted in such a manner as to indicate the extreme width of the vehicle. Unless an animal-drawn vehicle has attached to the left rear a yellow or amber flashing light at least four inches in diameter, in order to operate on a highway in the day or at night, the vehicle must have displayed on the most practicable visible rear area of the vehicle a slow moving vehicle (SMV) emblem.

This bill requires animal-drawn vehicles operated on a highway during hours of darkness to be equipped with a white front lamp ~~and two rear red lamps~~ ~~or lanterns~~ that are visible for a distance of 1,000 feet, rather than 500 feet. In addition, animal-drawn vehicles operated on a highway must be equipped with a

X
X
X

2

strip of reflective tape, at least one inch wide, ~~around the perimeter of~~ the vehicle and two ~~flashing yellow or amber lights having a flash rate of 60 to 120 per minute, which must be~~ mounted on each rear corner of the vehicle ~~at the highest practicable point~~. When an SMV emblem is required on an animal-drawn vehicle, the SMV emblem must be made of or incorporate reflective material.

The bill also authorizes counties to, by ordinance, require registration of animal-drawn vehicles that are customarily kept within the county and operated, at any time, on any highway within the county. The amount of the registration fee for animal-drawn vehicles registered by the county is determined by the county, but may not exceed the fee for registering an automobile with the Department of Transportation, which is currently \$75. All revenues received by a county from these registration fees may be used only for any of the following: 1) safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs; 2) erecting highway signs relating to animal-drawn vehicles operating on highways; and 3) highway improvements and repairs, including improvements and repairs to highway shoulders and other areas within the highway right-of-way, that promote safety where animal-drawn vehicles are operated on highways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 347.24 (2) of the statutes is amended to read:

347.24 (2) No person may operate on a highway during hours of darkness a vehicle drawn by an animal unless the vehicle is equipped with at least one lighted lamp ~~or lantern~~ exhibiting a white light visible from a distance of 500 1,000 feet ahead and 2 lighted lamps ~~or lanterns~~ exhibiting red light visible from a distance of 500 1,000 feet to the rear and mounted in such a manner as to indicate the extreme width of the vehicle. A vehicle drawn by an animal shall also be equipped with

reflective tape, at least one inch wide, ~~around the perimeter of~~ the vehicle

SECTION 2. 347.245 (2) of the statutes is amended to read:

347.245 (2) Standards and specifications for the design and position of mounting of the SMV emblem shall be established by rule by the secretary, but all

affixed in a specified manner on

top

renumbered 347.24(2)(intro.) and

red, white, or yellow

as follows:

Insert 2-8

1 SMV emblems displayed on animal-drawn vehicles shall be made of or incorporate
2 reflective material. Except as provided in s. 347.21 (1), the standards and
3 specifications for SMV emblems shall correlate with and, so far as possible, conform
4 with those approved by the American society of agricultural engineers. The
5 secretary shall submit such standards and specifications, and any subsequent
6 changes therein, to the assembly and senate committees having jurisdiction over
7 transportation matters as determined by the speaker of the assembly and the
8 president of the senate acting jointly for their approval.

9 **SECTION 3.** 347.25[✓] (2g) of the statutes is created to read:

10 347.25 (2g) No person may operate on a highway a vehicle drawn by an animal
11 unless the vehicle is equipped with 2 360-degree flashing yellow or amber strobe
12 lights ^{which may be 360-degree strobe lights} ~~having a flash rate of 60 to 120 per minute.~~ These strobe lights shall be
13 mounted on ~~each rear corner of the vehicle,~~ at the highest practicable point. The
14 secretary may prescribe rules for the type, installation, operation, ^{flash rate} and light output
15 brilliance of the strobe lights required under this subsection. ✓

16 **SECTION 4.** 349.03[✓] (1) (b) of the statutes is amended to read:

17 349.03 (1) (b) Is expressly authorized by ss. 349.06 to 349.25 349.27 or some
18 other provision of the statutes.

19 **SECTION 5.** 349.03 (2) of the statutes is amended to read:

20 349.03 (2) No local authority may enact or enforce any traffic regulation
21 providing for suspension or revocation of motor vehicle operator's licenses or
22 requiring local registration of vehicles, except as authorized by s. 341.35 or 349.27,
23 or in any manner excluding or prohibiting any motor vehicle, mobile home, vehicle
24 transporting a manufactured home or modular home, recreational vehicle, trailer,
25 or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all

highways, except as authorized by sub. (3) and ss. 66.0429 (1) and (3), 349.13, 349.17, 349.22 and 349.23.

SECTION 6. Subchapter III (title) of chapter 349 [precedes 349.24] of the statutes is amended to read:

CHAPTER 349

SUBCHAPTER III

LICENSING AND REGISTRATION POWERS

SECTION 7. 349.27 of the statutes is created to read:

349.27 Authority of counties to require registration of animal-drawn vehicles. (1) The governing body of any county may by ordinance require the registration with the county of any animal-drawn vehicle that is customarily kept within the county and operated, at any time, on any highway within the county.

(2) For each animal-drawn vehicle registered as provided in sub. (1), the county may impose a registration fee in an amount determined by the county, but not greater than the registration fee specified in s. 341.25 (1) (a) for an automobile registered after September 1, 1947.

(3) All revenues received by a county from a registration fee under sub. (2) may be used only for any of the following:

(a) Safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs.

(b) Erecting highway signs relating to animal-drawn vehicles operating on highways.

(c) Highway improvements and repairs, including improvements and repairs to highway shoulders and other areas within the highway right-of-way, that promote safety where animal-drawn vehicles are operated on highways.

1 **SECTION 8. Effective date.**

2 (1) This act takes effect on the first day of the 7th month beginning after
3 publication.

4 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3534/P2ins
ARG:.....

INSERT 2-8:

SECTION 1. 347.24 (2) (a), (b) and (c) of the statutes are created to read:

347.24 (2) (a) On the rear of the vehicle, at least one strip of at least 2 feet in length affixed horizontally at the highest practicable point, to mark the top of the rear of the vehicle.

(b) On the rear of the vehicle, at least one strip of at least 2 feet in length on each side, affixed vertically and as far as practicable toward the sides of the vehicle, to mark the sides of the rear of the vehicle.

(c) On the two sides of the vehicle, strips of at least 6 inches in length affixed in a manner that marks ^{each of} the corners of the vehicle when viewed from the sides.

INSERT 3-13:

(no P) the top of the vehicle as close as practicable to the rear corners of the vehicle or on the sides or rear of the vehicle as close as practicable to the top rear corners of the vehicle



State of Wisconsin
2011 - 2012 LEGISLATURE

TODAY



LRB-3534/021

ARG:jld&med:rs

2/17 - per Jeff, wants it jacketed

in 2/17

steps RMR

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

No changes

Reyer

- 1 AN ACT *to renumber and amend* 347.24 (2); *to amend* 347.245 (2), 349.03 (1)
- 2 (b), 349.03 (2) and subchapter III (title) of chapter 349 [precedes 349.24]; and
- 3 *to create* 347.24 (2) (a), (b) and (c), 347.25 (2g) and 349.27 of the statutes;
- 4 **relating to:** operation of animal-drawn vehicles on highways and granting
- 5 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, any person operating an animal-drawn vehicle on a roadway is generally granted all the rights and is subject to all the duties applicable to operators of other vehicles. Animal-drawn vehicles operated on a highway are also subject to certain vehicle equipment requirements. No animal-drawn vehicle may be operated on a highway during hours of darkness unless the vehicle is equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet ahead and two lighted lamps or lanterns exhibiting red light visible from a distance of 500 feet to the rear and mounted in such a manner as to indicate the extreme width of the vehicle. Unless an animal-drawn vehicle has attached to the left rear a yellow or amber flashing light at least four inches in diameter, in order to operate on a highway in the day or at night, the vehicle must have displayed on the most practicable visible rear area of the vehicle a slow moving vehicle (SMV) emblem.

This bill requires animal-drawn vehicles operated on a highway during hours of darkness to be equipped with a white front lamp and two rear red lamps that are

visible for a distance of 1,000 feet, rather than 500 feet. In addition, animal-drawn vehicles operated on a highway must be equipped with strips of reflective tape, at least one inch wide, affixed in a specified manner on the vehicle and two flashing yellow or amber lights mounted on or near each top rear corner of the vehicle. When an SMV emblem is required on an animal-drawn vehicle, the SMV emblem must be made of or incorporate reflective material.

The bill also authorizes counties to, by ordinance, require registration of animal-drawn vehicles that are customarily kept within the county and operated, at any time, on any highway within the county. The amount of the registration fee for animal-drawn vehicles registered by the county is determined by the county, but may not exceed the fee for registering an automobile with the Department of Transportation, which is currently \$75. All revenues received by a county from these registration fees may be used only for any of the following: 1) safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs; 2) erecting highway signs relating to animal-drawn vehicles operating on highways; and 3) highway improvements and repairs, including improvements and repairs to highway shoulders and other areas within the highway right-of-way, that promote safety where animal-drawn vehicles are operated on highways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 347.24 (2) of the statutes is renumbered 347.24 (2) (intro.) and
2 amended to read:

3 347.24 (2) (intro.) No person may operate on a highway during hours of
4 darkness a vehicle drawn by an animal unless the vehicle is equipped with at least
5 one lighted lamp ~~or lantern~~ exhibiting a white light visible from a distance of 500
6 1,000 feet ahead and 2 lighted lamps ~~or lanterns~~ exhibiting red light visible from a
7 distance of 500 1,000 feet to the rear and mounted in such a manner as to indicate
8 the extreme width of the vehicle. A vehicle drawn by an animal shall also be
9 equipped with red, white, or yellow reflective tape, at least one inch wide, affixed to
10 the vehicle as follows:

11 SECTION 2. 347.24 (2) (a), (b) and (c) of the statutes are created to read:

1 347.24 (2) (a) On the rear of the vehicle, at least one strip of at least 2 feet in
2 length affixed horizontally at the highest practicable point, to mark the top of the
3 rear of the vehicle.

4 (b) On the rear of the vehicle, at least one strip of at least 2 feet in length on
5 each side, affixed vertically and as far as practicable toward the sides of the vehicle,
6 to mark the sides of the rear of the vehicle.

7 (c) On the two sides of the vehicle, strips of at least 6 inches in length affixed
8 in a manner that marks each of the corners of the vehicle when viewed from the sides.

9 **SECTION 3.** 347.245 (2) of the statutes is amended to read:

10 347.245 (2) Standards and specifications for the design and position of
11 mounting of the SMV emblem shall be established by rule by the secretary, but all
12 SMV emblems displayed on animal-drawn vehicles shall be made of or incorporate
13 reflective material. Except as provided in s. 347.21 (1), the standards and
14 specifications for SMV emblems shall correlate with and, so far as possible, conform
15 with those approved by the American society of agricultural engineers. The
16 secretary shall submit such standards and specifications, and any subsequent
17 changes therein, to the assembly and senate committees having jurisdiction over
18 transportation matters as determined by the speaker of the assembly and the
19 president of the senate acting jointly for their approval.

20 **SECTION 4.** 347.25 (2g) of the statutes is created to read:

21 347.25 (2g) No person may operate on a highway a vehicle drawn by an animal
22 unless the vehicle is equipped with 2 flashing yellow or amber lights, which may be
23 360-degree strobe lights. These lights shall be mounted on the top of the vehicle as
24 close as practicable to the rear corners of the vehicle or on the sides or rear of the
25 vehicle as close as practicable to the top rear corners of the vehicle. The secretary

1 may prescribe rules for the type, installation, operation, flash rate, and light output
2 brilliance of the lights required under this subsection.

3 **SECTION 5.** 349.03 (1) (b) of the statutes is amended to read:

4 349.03 (1) (b) Is expressly authorized by ss. 349.06 to ~~349.25~~ 349.27 or some
5 other provision of the statutes.

6 **SECTION 6.** 349.03 (2) of the statutes is amended to read:

7 349.03 (2) No local authority may enact or enforce any traffic regulation
8 providing for suspension or revocation of motor vehicle operator's licenses or
9 requiring local registration of vehicles, except as authorized by s. 341.35 or 349.27,
10 or in any manner excluding or prohibiting any motor vehicle, mobile home, vehicle
11 transporting a manufactured home or modular home, recreational vehicle, trailer,
12 or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all
13 highways, except as authorized by sub. (3) and ss. 66.0429 (1) and (3), 349.13, 349.17,
14 349.22 and 349.23.

15 **SECTION 7.** Subchapter III (title) of chapter 349 [precedes 349.24] of the
16 statutes is amended to read:

17 **CHAPTER 349**

18 **SUBCHAPTER III**

19 **LICENSING AND REGISTRATION POWERS**

20 **SECTION 8.** 349.27 of the statutes is created to read:

21 **349.27 Authority of counties to require registration of animal-drawn**
22 **vehicles.** (1) The governing body of any county may by ordinance require the
23 registration with the county of any animal-drawn vehicle that is customarily kept
24 within the county and operated, at any time, on any highway within the county.

(2) For each animal-drawn vehicle registered as provided in sub. (1), the county may impose a registration fee in an amount determined by the county, but not greater than the registration fee specified in s. 341.25 (1) (a) for an automobile registered after September 1, 1947.

(3) All revenues received by a county from a registration fee under sub. (2) may be used only for any of the following:

(a) Safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs.

(b) Erecting highway signs relating to animal-drawn vehicles operating on highways.

(c) Highway improvements and repairs, including improvements and repairs to highway shoulders and other areas within the highway right-of-way, that promote safety where animal-drawn vehicles are operated on highways.

SECTION 9. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

Godwin, Gigi

From: Curry, Jeff
Sent: Friday, February 17, 2012 2:41 PM
To: Godwin, Gigi
Subject: RE: JACKET REQUEST: LRB 11-3534/1 Topic: Lighting and other safety requirements, and local registration, for animal drawn vehicles

Thanks! I got it a little bit ago. Jeff

From: Godwin, Gigi
Sent: Friday, February 17, 2012 2:15 PM
To: Curry, Jeff
Subject: RE: JACKET REQUEST: LRB 11-3534/1 Topic: Lighting and other safety requirements, and local registration, for animal drawn vehicles

Hi Jeff. Draft 11-3534/1 has already been jacketed. The email went out around 1pm and the jacket is now being picked up by a messenger. Should reach you shortly. -Gigi

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: Curry, Jeff
Sent: Friday, February 17, 2012 2:09 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3534/1 Topic: Lighting and other safety requirements, and local registration, for animal drawn vehicles

Please Jacket LRB 11-3534/1 for the ASSEMBLY.